

# **\*\*ATTENTION\*\***

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phone (509) 575-2740

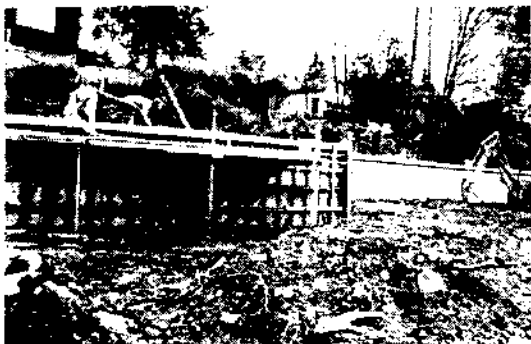
N. 8702 Division Street  
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# SO YOU WANT TO WORK NEAR THE WATER



**A PUBLICATION OF  
THE WASHINGTON  
DEPARTMENT OF FISHERIES  
AND  
DEPARTMENT OF WILDLIFE**

Major saltwater activities requiring an HPA include: construction of bulkheads, fills, boat launches, piers, dry docks, artificial reefs, docks, floats and marinas; placement of utility lines; pile driving; and dredging.

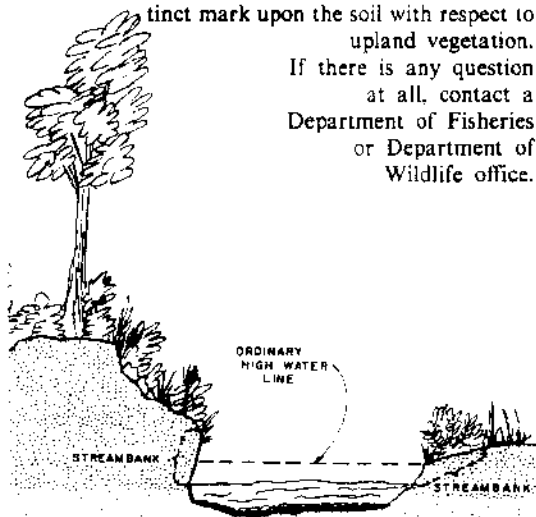


It is important to emphasize that the above are only examples of the major types of activities requiring an HPA and that any construction activity within the ordinary high water line in freshwater or the mean higher high tide line in salt water requires an HPA, even if the activity is outside the water at the time it is undertaken.

### ***How Do I Know Where The Lines Of Ordinary High Water Or Mean Higher High Tide Are Located?***

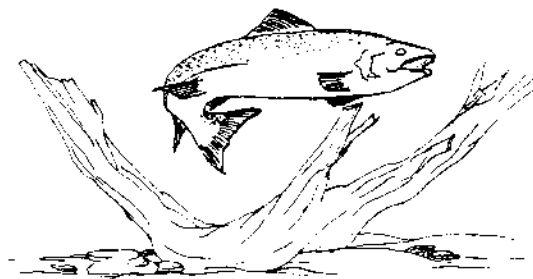
These lines are usually identified by examining the bed and banks along the shore to determine where action of the water has created a distinct mark upon the soil with respect to upland vegetation.

If there is any question at all, contact a Department of Fisheries or Department of Wildlife office.



### ***Summary***

The fish and shellfish resources of the State of Washington are important commercially, recreationally, esthetically, and socially. Construction activities in and around the waters of the state potentially can be very damaging to those resources. RCW 75.20.100-140 is the one state law designed specifically to protect fish and shellfish and their habitat. By applying for and following the provisions of the HPA issued under RCW 75.20.100-140, most construction activities around the water can be allowed with little or no adverse impact on fish or their habitat.



### ***What Other Information Is Available?***

A set of agency rules (Chapter 220-110 WAC) has been adopted by the Department of Fisheries and Department of Wildlife to guide administration of RCW 75.20.100-140.

Additionally, "Irrigation and Fish" and "Gold and Fish" booklets provide information specific to the relationship between the law and irrigation and prospecting activities, respectively.

Copies of the above can be acquired

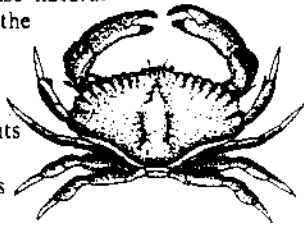
from any Department of Fisheries or Department of Wildlife office.



## ***Why Do The Department Of Fisheries And Department Of Wildlife Care If I Work Near The Water?***

All fish and shellfish have specific habitat requirements related to water quality and quantity (including temperature) and to the physical features of the stream or body of water in which they live. For example, salmon and steelhead spawn and live for a time in a stream before going to the ocean. They require an ample supply of clean, cool, well oxygenated water. Adults need clean gravel in which to spawn and juvenile fish require in-stream cover such as tree parts, boulders, or over-hanging banks to hide from predators. Vegetated streambanks shade the water from the warming effects of the sun. Insects drop off overhanging vegetation and provide food. When juvenile salmon or steelhead enter saltwater, their habitat requirements change. During this critical transition period, they must have shallow, near-shore waters where they can migrate, school, feed, and seek protection from larger fish.

Each species of fish and shellfish has similar, yet unique requirements. They have become adapted to and require these natural conditions as a result of the 10,000 years of evolution since the last ice age. The degradation of any one of the elements of their required habitat results in reduced numbers of fish.



Construction activity in or near the water has the potential to kill fish or shellfish directly. More importantly, this activity can also alter the habitat that fish and shellfish require.

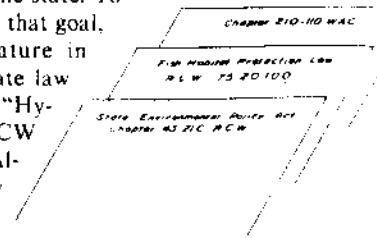
Direct damage or loss of habitat results in direct loss of fish and shellfish production. Direct killing of fish is usually only a one-time loss.



Damaged habitat, however, can continue to cause lost production of fish or

shellfish for as long as the habitat remains altered. Major construction projects individually have a large potential for damage, but more habitat is lost by the cumulative effects of many smaller projects, each with a minimal level of impact.

The state Legislature has given the Department of Fisheries and Department of Wildlife the responsibility of preserving, protecting and perpetuating all fish and shellfish resources of the state. To assist in achieving that goal, the state Legislature in 1949 passed a state law now known as the "Hydraulic Code" (RCW 75.20.100-140). Although the law has been amended occasionally since it was originally enacted, the basic authority has been retained.



## ***What Does The Law Say?***

The law requires that any person, organization, or government agency wishing to conduct any construction activity in or near state waters must do so under the terms of a permit (called the Hydraulic Project Approval—HPA—or, more descriptively, Habitat Protection Approval) issued by either the Department of Fisheries or Department of Wildlife. State waters include all marine waters and fresh waters of the state.

## ***What Is The Purpose Of The Law?***

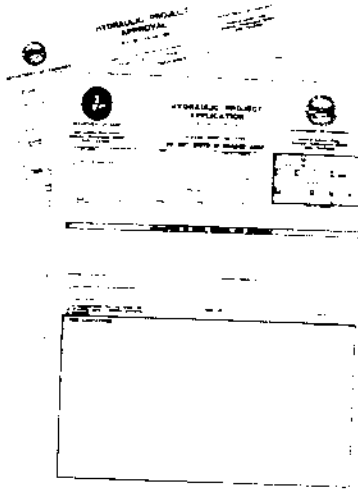
Damage or loss of fish or shellfish habitat results in direct loss of fish or shellfish production. The enactment of RCW 75.20.100-140 was a recognition by the state Legislature that virtually any construction within the high water area of the waters of the state has the potential to cause habitat damage. It was also an expression of a state policy to preclude that potential from occurring. The law's purpose is to see that needed construction is done in a manner to prevent damage to the state's fish, shellfish and their habitat.

## ***What Types Of Activities Are Subject To The Law?***

The major types of activities in freshwater requiring an HPA include, but are not limited to: streambank protection; construction of bridges, piers, and docks; pile driving; channel change or realignment; conduit (pipeline) crossing; culvert installation; dredging; gravel removal; pond construction; placement of out-fall structures; log, log jam or debris removal; installation or maintenance (with equipment) of water diversions; and mineral prospecting.

### ***How Do I Apply For An HPA?***

Forms for applying for an HPA are available from any Department of Fisheries or Department of Wildlife office. Stop in at the nearest office and pick up an application, or call and one will be mailed to you. If a Corps of Engineers or Forest Practices Act permit is required, application for either of them will also be considered an HPA and a separate application need not be submitted. There is no charge for an HPA.



Applications for the following areas should be submitted to:

#### **Washington Department of Fisheries Headquarters**

1. All of Western Washington; i.e., all areas lying west of the summit of the Cascade Mountains;
2. All of the mainstem Snake River and all of the mainstem Columbia River downstream of Chief Joseph Dam; and
3. All marine and estuarial waters of the state.

For all other areas, applications should be submitted to:

#### **Washington Department of Wildlife Headquarters**

The above instructions will assure that most applications will be received by the agency that will actually process them. Some applications received by the Department of Fisheries will be processed by the Department of Wildlife, and vice versa. However, when this happens, the applicant will be notified by mail.

### ***How Are Applications Processed?***

All applications are assigned to a Department of Fisheries or Department of Wildlife habitat management specialist. In most cases, the representative will visit the project site and will try to meet with the applicant to point out fish habitat needs and how the project may affect that habitat. The representative will work with you to help achieve your objective while protecting fish, shellfish and their habitat.

### ***What Will A Permit Contain?***

If the project as proposed will adversely affect fish habitat, it may be approved with certain conditions attached, such as timing and construction methods, to prevent damage. If the project cannot be accomplished without significant adverse impacts on fish, shellfish or their habitat, it may be denied. Of the approximately 6,500 applications received per year, only about one percent are denied.

### ***How Long Does It Take To Get An HPA?***

Most applications are processed and mailed within 30 days of receipt of a complete application and compliance with the State Environmental Policy Act (SEPA Chapter 43.21C RCW). A complete application consists of (1) general plans and specifications for the project, (2) complete plans and specifications for the work within the high water line, and (3) complete plans and specifications for the proper protection of fish life.

### ***What If I Have An Emergency?***

RCW 75.20.100-140 provides for emergency situations when, due to weather or stream flow, there exists an immediate threat to property or life. In such cases, immediate verbal approval can be obtained for work necessary to alleviate the emergency. A 24-hour "hotline" (206) 753-6618 is available for emergency calls during non-working hours. During normal work hours, contact your nearest Fisheries or Wildlife office.

### ***What Other Regulations May Apply?***

Other local, state, and federal regulations may apply to construction in or around the water as well. The Department of Ecology maintains an **Environmental Permit Information Center** to provide statewide environmental permit information. By calling (206) 459-6022, you can find which environmental permits are required for your proposed activity.